

Exhibit 144

United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.

Civil Action No. 07-10248-PBS

Exhibit to the July 24, 2009, Declaration of James J. Fauci
In Support of Plaintiff's Motion for Partial Summary Judgment and
In Opposition to the Roxane Defendants' Motion For Partial Summary Judgment

Morgan, Patricia Kay - November 13, 2002

1:1 NO. GV002327 THE STATE OF TEXAS) IN THE DISTRICT COURT
2 EX REL.) VEN-A-CARE OF THE)
3 FLORIDA KEYS, INC.,) PLAINTIFF(S),)
4) VS.) TRAVIS COUNTY, TEXAS
5) DEY, INC.; ROXANE)
6 LABORATORIES, INC., WARRICK) PHARMACEUTICALS CORPORATION,)
7 SCHERING-PLOUGH CORPORATION,) AND SCHERING CORPORATION,)
8 DEFENDANT(S).) 53RD JUDICIAL DISTRICT
9 *****
10 ORAL AND VIDEOTAPED DEPOSITION OF
11 PATRICIA KAY MORGAN
12 NOVEMBER 13TH, 2002
13 (CONTAINS ATTORNEYS' EYES ONLY TESTIMONY)
14 *****
15
16 ORAL AND VIDEOTAPED DEPOSITION OF PATRICIA KAY
17 MORGAN, PRODUCED AS A WITNESS AT THE INSTANCE OF THE
18 PLAINTIFF(S), AND DULY SWORN, WAS TAKEN IN THE
19 ABOVE-STYLED AND NUMBERED CAUSE ON NOVEMBER 13TH,
20 2002, FROM 9:12 A.M. TO 7:03 P.M., BEFORE CYNTHIA
21 VOHLKEN, CSR IN AND FOR THE STATE OF TEXAS, REPORTED
22 BY MACHINE SHORTHAND, AT THE OFFICES OF PERKINS COIE,
23 LLP, 180 TOWNSEND STREET, 3RD FLOOR, SAN FRANCISCO,
24 CALIFORNIA PURSUANT TO THE TEXAS RULES OF CIVIL
25 PROCEDURE.

Morgan, Patricia Kay - November 13, 2002

2:1

A P P E A R A N C E S

2 FOR THE PLAINTIFF(S):

3 MR. JOSEPH V. CRAWFORD MR. JARRETT ANDERSON

4 OFFICE OF THE ATTORNEY GENERAL STATE OF TEXAS

5 POST OFFICE BOX 12548 AUSTIN, TEXAS 78711-2548

6 FOR THE RELATOR:

7 MR. JAMES JOSEPH BREEN

8 THE BREEN LAW FIRM, P.A. P. O. BOX 297470

9 PEMBROKE PINES, FLORIDA 33029-7470

10 FOR THE DEFENDANT(S) DEY, INC.:

11 MR. STEPHEN M. HUDSPETH COUDERT BROTHERS

12 1114 AVENUE OF THE AMERICAS NEW YORK, NEW YORK 10036-7703

13 -AND-

14 MR. STEVEN A. FLECKMAN

15 FLECKMAN & MCGLYNN, P.L.L.C. 515 CONGRESS, SUITE 1800

16 AUSTIN, TEXAS 78701-3503

17 FOR THE DEFENDANT ROXANE LABORATORIES, INC.:

18 MR. R. ERIC HAGENSWOLD SCOTT, DOUGLASS & MCCONNICO, L.L.P.

19 ONE AMERICAN CENTER, FIFTEENTH FLOOR 600 CONGRESS AVENUE

20 AUSTIN, TEXAS 78701

21 FOR THE DEFENDANTS WARRICK PHARMACEUTICALS CORPORATION, SCHERING-PLOUGH CORPORATION AND

22 SCHERING CORPORATION:

23 MR. JOHN P. MCDONALD LOCKE LIDDELL & SAPP, LLP

24 2200 ROSS AVENUE, SUITE 2200 DALLAS, TEXAS 75201-6776

25

Morgan, Patricia Kay - November 13, 2002

332:1 Q. OH, FORGIVE ME. YOU KNOW WHAT, I'M -- WILL
2 YOU TAKE A LOOK AT THE STATEMENT IN FRONT OF YOU ON
3 PAGE 48. I'M LOOKING AT MY NOTES, ACTUALLY, THAT I
4 MADE FROM YOUR EARLIER STATEMENT AND LET ME JUST ASK
5 YOU A QUESTION. IS IT TRUE THAT YOU HAVE WHOLESALE
6 NET AS AN ITEM OF DATA ON ABOUT 42 PERCENT OF THE
7 PRODUCTS IN YOUR DATABASE?
8 A. IF YOU TAKE THE ENTIRE 264 SOME-ODD THOUSAND
9 PRODUCTS THAT I HAVE ON THE DATABASE, ABOUT 42 OF
10 THEM -- PERCENT OF THOSE HAVE THE WAC FIELD POPULATED.
11 Q. SO THE WAC FIELD -- THE WACS ARE ACTUALLY
12 GENERALLY, QUITE GENERALLY, QUITE GENERALLY, PROVIDED
13 BY MANUFACTURERS ACROSS THE SPECTRUM OF THE INDUSTRY
14 ON THEIR PRODUCTS. IT'S NOT JUST LIMITED TO A FEW
15 MANUFACTURERS.
16 A. IF YOU'LL REMEMBER I TALKED EARLIER ABOUT
17 PRIVATE LABEL AND REPACKAGERS, SO --
18 Q. THOSE WERE THE EXCEPTIONS WHO DID NOT HAVE
19 WHOLESALE NET PRICES.
20 A. I SAID AMONG OTHERS. SO IT DEPENDS ON HOW
21 YOU LOOK AT THE DATA. I JUST DEFINED THE 42 PERCENT
22 BASED ON ALL 264,000 SOME-ODD ITEMS ON THE DATABASE.
23 IF YOU START EXCLUDING THE THINGS THAT MAKES NO SENSE,
24 WE GET UP OVER 90 PERCENT OF THE PRODUCTS HAVE WACS.
25 Q. OVER 90 PERCENT OF THE PRODUCTS.